

Order No. P. 4969—Legis. 35-36-1, dated Bangalore,
the 13th February 1937.

Ordered that the accompanying Regulation for the regulation of Wireless Telegraphy in Mysore which received the assent of His Highness the Maharaja, on the fourth day of February 1937, be published as Regulation No. IV of 1937, in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
*Secretary to Government,
General Department.*

REGULATION No. IV OF 1937.

(Received the assent of His Highness the Maharaja on the
Fourth day of February 1937.)

A Regulation for the regulation of Wireless Telegraphy in Mysore.

Whereas it is expedient to regulate the establishment, maintenance, working and possession of wireless telegraphy apparatus in Mysore; it is hereby enacted as follows:—

1. (1) This Regulation may be called the Mysore Wireless Telegraphy Regulation, 1937.

(2) It extends to the whole of Mysore.

(2) It shall come into force on such date as the Government may by notification in the Official Gazette, appoint.

2. In this Regulation unless there is anything repugnant in the subject or context:—

(1) "Wireless communication" means the making, transmitting or receiving of telegraphic, telephonic or other communications by means of electricity or magnetism without the use of wires or other continuous electrical conductors between the transmitting and the receiving apparatus;

(2) "Wireless telegraphy apparatus" means any apparatus, appliance, instrument or material used or capable of use in wireless communication, and includes

Short title,
extent and
commence-
ment.

Definitions.

any article determined by rule made under section 13 to be wireless telegraphy apparatus; but does not include any such apparatus, appliance, instrument or material commonly used for other electrical purposes, unless it has been specially designed or adapted for wireless communication or forms part of some apparatus, appliance, instrument or material specially so designed or adapted, nor any article determined by rule made under section 13 not to be wireless telegraphy apparatus; and

(3) "Prescribed" means prescribed by rules made under section 13.

Prohibition of possession of wireless telegraphy apparatus without license.

3. Save as provided by section 4, no person shall establish, maintain, work or possess wireless telegraphy apparatus except under and in accordance with a license issued under this Regulation.

Power of Government to exempt persons from provisions of the Regulation.

4. The Government may by rules made under this Regulation exempt any person or any class of persons from the provisions of this Regulation either generally or subject to prescribed conditions, or in respect of specified wireless telegraphy apparatus.

Licenses

5. (1) The Government may, by notification in the official Gazette, constitute the authority who shall be competent to issue licenses to establish, maintain, work or possess wireless telegraphy apparatus under this Regulation. Such authority may issue licenses in such manner, subject to such restrictions and conditions and subject to such payments, as may be prescribed.

Revocation of Licenses.

(2) The Government or the authority constituted under sub-section (1) may, at any time, revoke any license granted thereunder on the breach of any of the conditions therein contained, or in default of payment of any consideration payable thereunder.

Power for Government to take possession on occurrence of public emergency.

6. (1) On the occurrence of any public emergency, or in the interest of the public safety, the Government or any officer specially authorized in this behalf by the Government, may

(a) take temporary possession of any wireless telegraphy apparatus established, maintained, worked or possessed by any person licensed under this Regulation; or

(b) order that any wireless communication or class of wireless communications to or from any person or class of persons or relating to any subject shall not be transmitted by any wire-

313

less telegraphy apparatus or shall be intercepted or detained, or disclosed to the Government or an officer thereof mentioned in the order.

(2) If any doubt arises as to the existence of a public emergency or whether any act done under sub-section (1) was in the interest of the public safety, a certificate signed by a Secretary to the Government shall be conclusive proof on this point.

7. Whoever possesses any wireless telegraphy apparatus in contravention of the provisions of section 3 shall be punished, in the case of the first offence, with fine which may extend to one hundred rupees, and in the case of a second or subsequent offence with fine which may extend to two hundred and fifty rupees.

Penalty for
illegal
possession.

8. Whoever establishes, maintains or works wireless telegraphy apparatus in contravention of the provisions of section 3 shall be punished with fine which may extend to five hundred rupees.

Penalty for
illegal esta-
blishment.

9. If the holder of a license granted under section 3 contravenes any condition contained in his license, he shall be punished with fine which may extend to one thousand rupees and in the case of a second or subsequent offence with fine which may extend to two hundred and fifty rupees.

Penalty for
breach of
condition.

10. (1) The District Magistrate, or a Magistrate of the First Class or a Magistrate of the Second Class specially empowered by the Government in this behalf, may issue a warrant for the search, at any time between sunrise and sunset, of any building or place in which he has reason to believe that any wireless telegraphy apparatus in respect of which an offence punishable under this Regulation has been committed, is kept or concealed.

Power of
search.

(2) The officer to whom a search warrant under sub-section (1) is addressed may enter any building, or place mentioned in the warrant and seize any wireless telegraphy apparatus in respect of which he has reason to believe an offence under this Regulation has been committed.

11. (1) If, in the trial of an offence under this Regulation, the accused is convicted, the Court shall decide whether any apparatus in respect of which an offence has been committed should be confiscated, and, if it so decides, may order confiscation accordingly.

Confiscation
of apparatus.

Apparatus
confiscated or
having no
owner to be
property of
Government.

Power of court
to direct pay-
ment of fines
to prescribed
authority.

Power of
Government
to make rules.

(2) All wireless telegraphy apparatus confiscated under sub-section (1) and all wireless telegraphy apparatus having no ostensible owner shall be the property of the Government.

12. A Court inflicting a fine as punishment for any offence under this Regulation or rules made thereunder may direct that the amount of the fine or any part of it shall be paid to the prescribed authority to be utilised for the benefit of any Broadcasting Service approved in this behalf by the Government.

13. (1) The Government may, by notification in the official Gazette, make rules for the purpose of carrying into effect the provisions of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (i) determining that any article or class of articles shall be or shall not be wireless telegraphy apparatus for the purposes of this Regulation;
- (ii) the exemption of persons or classes of persons under section 4 from the provisions of this Regulation;
- (iii) the manner of and the conditions governing the issue, renewal, suspension and cancellation of licenses; the form of licenses, and the payments to be made for the issue and renewal of licenses;
- (iv) the maintenance of records containing details of the acquisition and disposal by sale or otherwise of wireless telegraphy apparatus possessed by dealers in wireless telegraphy apparatus;
- (v) the conditions governing the sale of wireless telegraphy apparatus by dealers in and manufacturers of such apparatus; and
- (vi) constituting the authority referred to in section 5.

(3) In making a rule under this section, the Government may direct that a breach of it shall be punishable with fine which may extend to one hundred rupees.

MIRZA M. ISMAIL,

Dewan,